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Attorneys for Plaintiff and Counter Defendant, Viasat, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

<p>Viasat, Inc., <i>a Delaware corporation,</i></p> <p style="text-align: right;">Plaintiff</p> <p style="text-align: right;">and Counter Defendant,</p> <p style="text-align: center;">v.</p> <p>Acacia Communications, Inc., <i>a Delaware corporation,</i></p> <p style="text-align: right;">Defendant</p> <p style="text-align: right;">and Counter Claimant,</p>	<p>) Case No.: 3:16-cv-00463-BEN-JMA</p> <p>)</p> <p>) Opposition of Plaintiff and Counter-</p> <p>) Defendant Viasat, Inc. to Ex Parte</p> <p>) Application to Continue Final Pretrial</p> <p>) Conference and Related Deadlines</p> <p>)</p> <p>) Dist. Judge: Hon. Roger T. Benitez</p> <p>) Hon. Magistrate Jan M. Adler</p> <p>)</p> <p>) Case Initiated: January 21, 2016</p> <p>)</p>
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1 Plaintiff and Counter-Defendant Viasat, Inc. (“Viasat”) hereby opposes the
 2 *Ex Parte* Application To Continue Final Pretrial Conference and Related Deadlines
 3 of Defendant and Counter-Claimant Acacia Communications, Inc. (“Acacia”),
 4 Docket No. 181.

5 Acacia has failed to show good cause for delaying the Final Pretrial
 6 Conference and related deadlines. This case has been pending since January 21,
 7 2016, and is now ready for trial. The parties have already exchanged pretrial
 8 disclosures not once, but twice. Docket Nos. 163, 167, 182, 183. When the Court
 9 granted Acacia’s last *ex parte* application seeking to delay this matter, Docket No.
 10 161, the Court noted that “No further continuances will be granted without good
 11 cause.” Docket No. 168. While Acacia argues that resolution of various pending
 12 motions may affect the parties’ pretrial preparations, that alone is not good cause for
 13 further delay.

14 Viasat therefore respectfully requests that the Court deny Acacia’s *Ex Parte*
 15 Application to Continue the Upcoming Final Pretrial Conference and Related
 16 Deadlines. If the Court does grant Acacia’s *Ex Parte* Application, Viasat requests
 17 that the Court hold a case management conference on or before August 6, the
 18 current date of the Final Pretrial Conference, to discuss the timing and logistics of
 19 what Viasat expects to be at least a three-week jury trial.

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 21 Dated: July 10, 2018

Respectfully Submitted,

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28 *Attorneys for Plaintiff and Counter-Defendant Viasat, Inc.*

CERTIFICATE OF SERVICE

I certify that today I am causing to be served the foregoing document by CM/ECF notice of electronic filing upon the parties and counsel registered as CM/ECF Users. I further certify that, to the extent they are not registered CM/ECF Users, I am causing the foregoing document to be served by electronic means via email upon counsel for Acacia Communications, Inc., per the agreement of counsel.

Dated: July 10, 2018

s/ Kenneth M. Fitzgerald

Kenneth M. Fitzgerald, Esq.